

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re CURRENCY CONVERSION FEE ANTITRUST LITIGATION	x	: MDL Docket No. 1409
	:	M 21-95
	:	ORDER TRANSFERRING THE SETTLEMENT FUNDS TO HUNTINGTON NATIONAL BANK AND AUTHORIZING PAYMENT OF COSTS ASSOCIATED WITH DISTRIBUTION OF THE SETTLEMENT
This Document Relates To:	x	
ALL ACTIONS.		

WILLIAM H. PAULEY III, District Judge:

This Court having reviewed Plaintiffs' Motion to Approve Transfer of the Settlement Funds to the Huntington National Bank and the Payment of Costs Associated with the Distribution of the Settlement dated September 14, 2011 (ECF No. 897), the Affidavit of Edward J. Radetich, Jr., C.P.A. Regarding Claims Administration ("Radetich Affidavit") submitted as Exhibit 1 in support of Plaintiffs' Motion to Approve the Distribution of the Net Settlement Fund in Accordance with the Affidavit of Edward J. Radetich, Jr., C.P.A. Regarding Claims Administration, and the letter from Huntington Bank Senior Vice President Christopher W. Ritchie, and upon consideration of all prior proceedings in this matter, it is ORDERED that Plaintiffs' motion is GRANTED:

1. The Court hereby appoints The Huntington National Bank ("Huntington Bank") to assist with the issuance of refund checks to valid claimants and to manage the settlement fund, consistent with the pricing and terms set forth in the Radetich Affidavit, at ¶¶ G.21-22. The Court Registry Investment System ("CRIS") cannot handle the anticipated volume of

transactions.

2. The Clerk of the Court is authorized and directed to draw a check (or multiple checks with a combined total) in the amount of the combined total funds held in CRIS from the following two accounts: (1) the Principal Settlement Fund (CRIS account no. 07-cc-0001-1); and (2) the Notice and Cost Administration Fund (CRIS account no. 07-cc-0001-2).¹ The check(s) should be made payable to: "Foreign Currency Fee Litigation Settlement Fund."

3. CRIS shall draw the check(s), as directed by Paragraph 2 above, no later than seven (7) days from the date of this Order. Upon drawing the check(s), CRIS will promptly contact by telephone Plaintiffs' Co-Lead Counsel, Merrill Davidoff, Berger & Montague, P.C., 215-875-3000, to inform them that a representative of Berger & Montague, P.C. may pick up the check(s). A representative of Plaintiffs' Co-Lead Counsel, Berger & Montague, P.C., shall pick up the check(s) directly from CRIS at its offices, located at Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007, and shall deposit the check(s) into the "Foreign Currency Fee Litigation Settlement Fund" account at Huntington Bank.

4. Huntington Bank shall segregate the funds into three separate accounts: (i) the "Foreign Currency Fee Litigation Settlement Fund"; (ii) the "Currency Conversion Fee Attorneys' Fees, Expenses and Awards Account"; and (ii) the "Currency Conversion Fee Distribution Costs Account."

5. The "Currency Conversion Fee Attorneys' Fees, Expenses and Awards Account" shall contain the sum of the following amounts: (i) the approved awards to the named Plaintiffs (\$83,500.00); (ii) the awarded reimbursement of litigation expenses (\$3,708,072.00); (iii) the

¹ As of June 30, 2011, the combined total of the two CRIS accounts was \$335,691,783.03. See Affidavit of Ronald A. Bertino, CPA Regarding the Costs of Administration Through June 30, 2011, at ¶3 and Exhibit A ("Cash & Investments as of June 30, 2011") (ECF No. 892).

awarded attorneys' fees (\$51,250,000.00); and (iv) \$47,325.89, the pro-rata share of the interest earned on the attorneys' fees award, capped as of June 30, 2011, in accord with the Court's October 22, 2009 Memorandum and Order, *In re Currency Conversion Fee Antitrust Litig.*, 263 F.R.D. 110, 131 (S.D.N.Y. 2009).

6. Plaintiffs' Co-Lead Counsel are authorized to promptly distribute the Court's awards to the representative Plaintiffs and to disburse the awarded expenses to those law firms which incurred the expenses. Plaintiffs' Co-Lead Counsel are further authorized to allocate the attorneys' fees among counsel, taking into account the contributions of all counsel.

7. The "Currency Conversion Fee Distribution Costs Account" shall contain the following funds to pay the costs for distribution of the settlement: (i) \$4,329,433.85 for costs associated with printing and mailing refund checks; (ii) \$452,148.26 for bank fees; and (iii) \$200,000.00 for the operation of an IVR telephone system. Plaintiffs' Co-Lead Counsel are authorized to pay these costs as incurred.

8. The "Foreign Currency Fee Litigation Settlement Fund" shall contain all the remaining funds, which shall be used to distribute the settlement to valid claimants in accordance with this Court's separate Order Approving Distribution of the Net Settlement Fund.

9. Without affecting the finality of the Final Judgment and Order of Dismissal (ECF No. 763) or this Order in any respect, this Court reserves jurisdiction over any matters related to or ancillary to this Order.

Dated: October 5, 2011
New York, New York

SO ORDERED:



William H. Pauley, III
U.S.D.J.

All Counsel of Record